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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Administration of the North)
American Numbering Plan)

CC Docket No. 92-237

REPLY COMMENTS OF
MCCAW CELLULAR COMMUNICATIONS, INC.

McCaw Cellular Communications, Inc. ("McCaw")
respectfully submits its reply comments in the above-
captioned inquiry into the future administration of the North
American Numbering Plan ("NANP").

I. INTRODUCTION

In its opening comments, McCaw explained that the
current NANP administration process is unrepresentative,
inefficient, and incompatible with the introduction and
expansion of new, competitive services. Existing numbering
forums are insensitive to mobile service providers' needs,
policy debates are characterized by gamesmanship and delay,
code assignment practices are arbitrary and anticompetitive,
and affected parties are kept uninformed of critical policy
developments. In light of these fatal flaws, McCaw called
for fundamental reform of the NANP administration process,
including establishment of a new NANP Policy Forum and
Administrator acting under the Commission's direct oversight.

The widespread dissatisfaction and distrust revealed in
the record constitute a mandate for prompt and effective

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change. Patchwork measures, such as non-binding advisory committees or structural separation of the NANPA within Bellcore, are not sufficient. They would neither restore trust and order to the policy development process nor resolve problems caused by the LECs' control over code assignments and routing and rating data bases. Similarly, delaying implementation of reforms cannot be countenanced, given the many critical issues that must be addressed in the next few years.

Rapid, decisive action by the Commission is needed. The NANP administration process must be re-created, as soon as possible, along the lines suggested by Telocator. Moreover, the Commission must agree to play an active role in ensuring equitable and timely decision-making. This role, while not requiring a substantial commitment of agency resources, is critical if an industry-driven administration process is to succeed.

II. THE CURRENT NANP ADMINISTRATION PROCESS IS BROKEN BEYOND REPAIR.

The opening comments raise several elemental criticisms of the current NANP administration process. First, Bellcore's role as NANPA presents an inherent conflict of interest.¹ Second, the consideration of related numbering

¹ See, e.g., Ad Hoc at 12-13; Cox at 3, 5; MCI at 2-3; NARUC at 4. Even the BOCs recognized that the current administration process has led many parties to conclude there is a conflict of interest. See Bell Atlantic at 1; BellSouth at 6.

issues in a multiplicity of forums is inefficient and allows parties to use delay to restrain innovation and competition.² Third, existing numbering forums are dominated by LECs, rendering it difficult or impossible for non-LECs to participate as equals.³

The record also presents a litany of complaints regarding specific instances of misguided or anticompetitive policies and practices. Importantly, these complaints concern both the policy development process and the LECs' control of code assignments and data bases:

- LECs favor their own needs over those of others, rarely impute charges for number assignments for their own Centrex services (but do for DID), and may be far more willing to reserve numbers for their own use than for the use of others.⁴
- Bellcore and the LECs have ignored the cost and other impacts of their numbering decisions (including NPA splits and the inability, under interchangeable NPAs, to use 1+ as a toll indicator) on non-LEC entities.⁵
- The NANP has become a strategic competitive tool, and Bellcore favors its owners, as is evidenced by its conduct in administering the 800 data base.⁶

² See, e.g., CTIA at 2; MCI at 15-16; Sprint at 5.

³ See, e.g., Ad Hoc at 15-27; AT&T at 4-5; MCI at 3-13.

⁴ Ad Hoc Telecommunications Users Committee ("Ad Hoc") at 12-13.

⁵ Id. at 15-16, 19-24.

⁶ Allnet Communications Services, Inc. at 3, 5.

- NANPA forced through a position on routing of inbound international switched 64 kbps calls that was opposed by all parties except the LECs.⁷
- NANPA has been unresponsive to requests by non-LECs for 10-digit ISDN numbers.⁸
- The effects of Bellcore's affiliation with the BOCs are evident in draft NXX guidelines that failed to include or acknowledge the recommendations of cellular carriers and failure to consult with CAPs, ESPs, and non-LEC PCS providers in drafting the Long-Term Numbering Plan.⁹
- Cellular RSA licensees have trouble getting NXX codes even where they have a legitimate need to create separate local calling areas for distinct populations.¹⁰
- Bellcore's bias has been shown in its plans for CIC expansion, the draft Long-Term Numbering Plan, numbering for ISDN and data services, and PCS numbering.¹¹
- With NPA exhaust imminent, Bellcore inappropriately has left assignment of NXXs to the BOCs, with no guidance to assure consistent, efficient allocation.¹²
- The BOCs influence Bellcore through closed door deliberations -- NANPA uses "experts" within Bellcore who also provide technical supports to the BOCs.¹³
- Bellcore and the LECs have an incentive to structure the NANP around geographic routing through the local switch in order to continue their

⁷ AT&T at 2-4; MCI at 12-13.

⁸ Id. at 5.

⁹ Cox Enterprises, Inc. ("Cox") at 3.

¹⁰ Id. at 5.

¹¹ MCI at 3-10.

¹² Id. at 11.

¹³ Id. at 12.

monopoly on number use charges and generate additional switching traffic.¹⁴

- Bellcore has been reluctant to consider changes to the status quo, which benefits the LECs as the dominant status quo users of numbering resources.¹⁵
- Cellular carriers are being injured by the lack of a coherent, consistent system for allocating NPAs and NXXs.¹⁶

In short, the current system simply is not working.

There is endless gaming of positions and an inherent inability to resolve numbering issues comprehensively, neutrally, and quickly. Fundamental reform is past due.

III. THERE IS NO BASIS FOR DELAYING REFORM.

The premises and structure of Telocator's model for improving the NANP administration process were echoed by numerous other parties.¹⁷ Given the breadth and strength of support for this approach, McCaw will not review the record in detail on this issue.¹⁸ It will, however, rebut the

¹⁴ Metrocall of Delaware at 4.

¹⁵ MFS at 4.

¹⁶ Vanguard Cellular at 3.

¹⁷ See, e.g., AT&T at 5-6; BellSouth at 8-12; Cox at 8-10; MCI at 19-23.

¹⁸ McCaw wishes to re-emphasize that the new policy body and administrator must be both representative and independent. As McCaw explained in its opening comments, simply transferring NANP administration responsibility to ICCF or ECSA -- which are neither representative nor independent -- would unacceptably perpetuate the current, flawed approach. See McCaw at 8-10. Nor could these LEC-dominated entities be riled upon to deploy scarce numbering resources in a pro-competitive manner. The Telocator model presents a far superior approach to reform.

suggestion of several LECs that Bellcore be left in charge until after INPAs and expanded CICs have been introduced in 1995.¹⁹

The LECs seeking delay do not explain why adopting an open, centralized policy entity and neutral administrator would necessarily interfere with the introduction of INPAs and expanded CICs, and there is no reason to believe their concerns have merit. It is in the interests of the entire industry to see that these new resources are deployed smoothly. Moreover, reform of the NANP administration along the lines suggested by Telocator would encourage an uneventful implementation process by allowing for direct FCC oversight, promoting efficient, centralized consideration of all related issues, and restoring trust in the code assignment process.

In addition, deferring fundamental reform would perpetuate disabling problems at a critical juncture in the administration of the NANP. In the next few years, numbering policy decisions will be made, and numbering resources will be assigned, which will directly affect the competitive viability of an array of new and existing services:

- Assignment guidelines will be finalized for geographic NXX codes. These guidelines will determine whether cellular service providers can obtain additional NXX codes in order to provide Calling Party Pays and establish new local calling areas.

¹⁹ See, e.g., Ameritech at 2, 10; Bell Atlantic at 1; USTA at 9.

- Assignment guidelines will be finalized for PCS N00-NXX codes. As McCaw detailed in its opening comments, certain industry segments are seeking to exclude cellular and paging carriers from eligibility for PCS N00-NXX codes, while giving them to directly competitive services.²⁰
- Assignment guidelines will be developed for INPA NXX codes. The revised version of Bellcore's long-term numbering plan still does not explicitly state that existing cellular and paging services are eligible for NXX codes from non-geographic INPAs. This raises the specter that cellular carriers will be forced to use geographic codes, which limit flexibility and compel inefficient routing for many service options, while "PCS" providers offering functionally identical services will utilize non-geographic codes.
- Cellular carriers continue to experience serious problems by virtue of the LECs' control of NXX code assignments and routing and rating data bases. Allowing the LECs to retain such control is unacceptable from a competitive standpoint and indefensible as a matter of policy.
- Issues associated with local number portability will be referred to industry forums that are dominated by the LECs, which have a paramount economic interest in delaying this capability for as long as possible. Cellular service providers and other potential local exchange competitor need local number portability if true local exchange competition is to develop.

If responsibility for developing NANP policy and assigning NANP resources remains with Bellcore and the LECs for the next few years, there is a substantial risk that the resolution of these matters -- and many others of less

²⁰ The need remains for the Commission to state that existing cellular and paging services are eligible to obtain PCS N00-NXX codes on a non-discriminatory basis. The latest ICCF language defining "personal communications services" is still unclear, and the matter has now been referred back to NANPA. The Commission could save the industry a great deal of time and ensure that this issue is resolved in a pro-competitive manner by simply issuing the requested statement.

visibility -- will constrain the development of new services and frustrate local exchange competition. The reform process itself will take some time to implement; the wheels must be set in motion as soon as possible.

IV. THE COMMISSION MUST PLAY AN ACTIVE ROLE IN THE POLICY DEVELOPMENT PROCESS.

In theory, Telocator's reform model can restore equity and rationality to the NANP administration process. Nonetheless, based on McCaw's longstanding participation in numbering forums, there is little hope that even a new, representative entity will be able to make decisions efficiently and fairly unless the Commission agrees to guide and scrutinize its activities.

Active oversight by the Commission would not demand a massive commitment of agency resources. It would, however, require designation of a knowledgeable staff person to act as Chair of the Policy Forum -- and a willingness by that person to steer discussion in productive directions, cut off attempts to use the Forum as a means of impeding competition, set and enforce realistic deadlines for resolution of issues, and recognize when a disputed issue should be referred to the Commission. It would also require the Commission to establish procedures for resolving controversies as expeditiously as possible. This relatively small investment of the Commission's time and staff should yield significant dividends.

V. CONCLUSION

For the foregoing reasons, and those discussed in McCaw's opening comments, the Commission should promptly direct the industry to adopt the NANP administration structure proposed by Telocator. The Commission also should make clear its commitment to play an active role in overseeing the policy development process.

Respectfully submitted,

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